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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,876	03/23/2004	Yuko Nishikawa	81234 7114	2678

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EXAMINER	
TAYLOR, JOSHUA D	

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/806,876	NISHIKAWA ET AL.	
	Examiner	Art Unit	
	JOSHUA TAYLOR	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/8/2008, 9/17/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 7/1/2008 have been fully considered but they are not persuasive. On page 7 of applicant's response, applicant states that "It therefore appears that the Office Action has the position that the TV programs of Doi disclose the claimed 'items of data'." However, in the office action, examiner pointed to paragraph [0044], which makes reference to Fig. 3, and in this figure there is not an actual program being shown, but rather data related to programs, and it is this data examiner reads as being "items of data." Therefore, examiner contends that applicant's argument that "Doi does not even describe playing the TV programs referred to in para. 0044" is moot, as nowhere in the claim language is a TV program mentioned.

On page 8 of applicant's response, applicant continues to use the assumption that because Doi does not display a TV program, Doi cannot teach or suggest the "while displaying a selected discrete selectable item of data" feature required by claim 1. Again, because this assumption is not correct, this argument is moot.

Finally, applicant does not address the combination of Doi and Betz, but rather asserts that because Doi does not teach at least one of the limitations of claim 1, any combination of Doi and Betz would still fall short of teaching claim 1.

Examiner reminds applicant that the entirety of the Doi reference, and not just the cited passages, must be considered, and must be considered in light of the combination with Betz. When this is done, one of ordinary skill in the art at the time of the invention could have seen that the combination of Doi and Betz would have yielded the desirable

and predictable result of a method which recommends television programs based on the attributes of a television program being watched by a user, and displays these recommendation as the program is ending. This inventive concept is disclosed in the teachings of Doi and Betz, particularly as it applies to the actual claim language of applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 6, and 10-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Doi et al. (Pub. No.: US 2004/0158853) in view of Betz et al. (US 2003/0126605).

Regarding claim 1: **A method comprising: providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data** (Doi, paragraph [0044], lines 1-7)**; while displaying a selected discrete selectable item of data** (Doi, paragraph [0052], lines 1-6)**: using the characterizing descriptors as correspond to the selected discrete selectable item of data to provide at least one selection criterion** (Doi, paragraph [0044], lines 1-7)**; using the at least one selection criterion to identify at least another one of the plurality of discrete selectable items of data** (Doi, paragraph [0054], lines 1-8).

Doi discloses the method of using information related to a program being watched in order to recommend related programs. However, Doi does not disclose **displaying information regarding the at least another one of the plurality of discrete selectable items of data at a time that is temporally proximal to a conclusion of displaying the selected discrete selectable item of data.** However, Betz does (paragraph [0027], lines 1-4). Betz discloses displaying this information at a time when the current program is ending. Betz discloses having a program guide automatically displayed after a video ends.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the program guide automatically displayed containing related program data. Displaying personalized information in the program guide as the current program ended would have been highly desirable, as it would be the time at which the user would need to select a new program to watch.

Regarding claim 2: **The method of claim 1 wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to textual characterizing descriptors as individually correspond to a plurality of discrete selectable items of data** (Doi, paragraph [0004], lines 1-3)**.**

Regarding claim 3: **The method of claim 1 wherein providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data further comprises providing access to characterizing**

descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content (Doi, paragraph [0044], lines 1-7).

Regarding claim 6: Doi does not disclose **wherein the information regarding the at least another one of the plurality of discrete selectable items of audio/visual content is displayed at a time that is temporally proximal to a conclusion of displaying the selected discrete selectable item of audio/visual content.** However, Betz does (paragraph [0027], lines 1-4). Betz discloses having a program guide automatically displayed after a video ends.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the program guide automatically displayed containing related program data. Displaying personalized information in the program guide as the current program ended would have been highly desirable, as it would be the time at which the user would need to select a new program to watch.

Regarding claim 10: **An interactive data display system comprising** (Doi, paragraph [0012], lines 1-11)**: characterizing descriptors as individually correspond to a plurality of discrete selectable items of data** (Doi, paragraph [0044], lines 1-7)**; a selected displayed discrete selectable item of data** (Doi, paragraph [0052], lines 1-6)**; control circuitry that: uses the characterizing descriptors as correspond to the selected displayed discrete selectable item of data to provide at least one selection criterion** (Doi, paragraph [0044], lines 1-7)**; uses the at least one selection criterion to identify at least another one of the plurality of discrete selectable items of data** (Doi, paragraph [0054], lines 1-8).

Doi discloses the method of using information related to a program being watched in order to recommend related programs. However, Doi does not disclose **displays information regarding the at least another one of the plurality of discrete selectable items of data at a time that is temporally proximal to a conclusion of displaying the selected displayed discrete selectable item of data.** However, Betz does (paragraph [0027], lines 1-4). Betz discloses displaying this information at a time when the current program is ending. Betz discloses having a program guide automatically displayed after a video ends.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the program guide automatically displayed containing related program data. Displaying personalized information in the program guide as the current program ended would have been highly desirable, as it would be the time at which the user would need to select a new program to watch.

Regarding claim 11: **The interactive data display system of claim 10 wherein the plurality of discrete selectable items of data comprises a plurality of discrete selectable items of audio/visual content** (Doi, paragraph [0044], lines 1-7).

Regarding claim 12: **The interactive data display system of claim 10 further comprising: a remote control device** (Doi, paragraph [0051], lines 1-4).

Regarding claim 13: **The interactive data display system of claim 12 wherein the remote control device comprises at least one key to trigger the display of information regarding the at least another one of the plurality of discrete selectable items of data** (Doi, paragraph [0051], lines 1-4).

Regarding claim 14: Doi does not disclose **wherein the control circuitry further displays information regarding the at least another one of the plurality of discrete selectable items of data at a time that is temporally proximal to a conclusion of displaying the selected discrete selectable item of data.** However, Betz does (paragraph [0027], lines 1-4). Betz discloses having a program guide automatically displayed after a video ends.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the program guide automatically displayed containing related program data. Displaying personalized information in the program guide as the current program ended would have been highly desirable, as it would be the time at which the user would need to select a new program to watch.

Regarding claim 15: **The interactive data display system of claim 11 wherein the information regarding the at least another one of the plurality of discrete selectable items of audio/visual content comprises at least one of: a graphic image** (Doi, paragraph [0004], lines 3-6)**; a video sequence** (Doi, paragraph [0004], lines 6-7).

Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Doi et al. (Pub. No.: US 2004/0158853) in view of Betz et al. (US 2003/0126605) as applied to claim 3 above, and further in view of Wilder et al. (Pub. No.: US 2003/0051246).

Regarding claim 4: The combined teachings of Doi and Betz as a whole do not disclose **wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media.** However, Wilder does (paragraph [0008], lines 3-5). Wilder discloses combining EPG data from a plurality of different sources into a single EPG.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow for the audio/visual content to be embodied in a plurality of media. This would have been a highly desirable feature, as it would allow the user to compare all content from all viewing sources in order to select the program most desirable to the user.

Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Doi et al. (Pub. No.: US 2004/0158853) as applied to claim 5 above and further in view of Wilder et al. (Pub. No.: US 2003/0051246).

Regarding claim 9: Doi does not disclose **wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media.** However, Wilder does (paragraph [0008], lines 3-5). Wilder discloses combining EPG data from a plurality of different sources into a single EPG.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow for the audio/visual content to be embodied in a plurality of

media. This would have been a highly desirable feature, as it would allow the user to compare all content from all viewing sources in order to select the program most desirable to the user.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5 and 7-8 rejected under 35 U.S.C. 102(e) as being anticipated by Doi et al. (Pub. No.: US 2004/0158853).

Regarding claim 5, Doi et al. disclose: **A method comprising: providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content** (Doi, paragraph [0044], lines 1-7)**; while displaying a selected discrete selectable item of audio/visual content** (Doi, paragraph [0052], lines 1-6)**: identifying at least another one of the plurality of discrete selectable items of audio/visual content for which at least one characterizing descriptor as individually corresponds to the at least another one of the plurality of discrete selectable items of audio/visual content that is similar to a characterizing**

descriptor of the selected discrete selectable item of audio/visual content (Doi, paragraph [0054], lines 1-8)**; displaying information regarding the at least another one of the plurality of discrete selectable items of audio/visual content** (Doi, paragraph [0054], lines 1-8)**.**

Regarding claim 7, Doi et al. disclose: **The method of claim 5 further comprising responding to a remote control device by triggering the display of the information regarding the at least another one of the plurality of discrete selectable items of audio/visual content** (Doi, paragraph [0051], lines 1-4)**.**

Regarding claim 8, Doi et al. disclose: **The method of claim 5 wherein the information displayed regarding the at least another one of the plurality of discrete selectable items of audio/visual content comprises at least one of: a graphic image** (Doi, paragraph [0004], lines 3-6)**; a video sequence** (Doi, paragraph [0004], lines 6-7)**.**

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571)270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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